

ORDERED.



Dated: May 13, 2011

Eileen W. Hollowell

EILEEN W. HOLLOWELL
U.S. Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

In re:) Chapter 7
JUANITA MARIA JONES,) Case No. 4:10-bk-05402-EWH
) Debtor.)

JULIANA JONES,) Adv. No. 4:10-01166-EWH
) Plaintiff,)
vs.))
JUANITA MARIA JONES,))
) Defendant.)

**MEMORANDUM DECISION
ON DAMAGES**

Pending before the court is the amount of damages to be awarded to the Plaintiff on her non-dischargeable claim against the Debtor/Defendant. A trial was conducted on Plaintiff's Complaint on March 29, 2011. At the conclusion of the presentation of evidence, the court orally announced its findings of fact and conclusions of law – finding all of Plaintiff's claims to be dischargeable, except for the claim based upon the damages caused by Debtor's failure to control her dog which resulted in damages to tile and carpet in the house being rented by Plaintiff to the Debtor/Defendant. Those damages were found to be non-dischargeable under 11 U.S.C. § 523(a)(6).

The parties were then provided an opportunity to submit estimates of the amount of the damages. Both parties have submitted estimates, but they are wildly divergent. Accordingly, because the estimate made by the Plaintiff at the time she sued the Debtor/Defendant in Justice Court is closest in time to when the Plaintiff repaired the damage, the court finds it is the best estimate of the damages. Counsel for the Plaintiff is directed to submit a non-dischargeable judgment in the amount of \$2,679.96 against the Debtor with each side to bear its own costs and attorneys' fees.

Dated and signed above.

Notice to be sent by the Bankruptcy
Noticing Center (“BNC”) to the following:

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